

State of California  
Division of Occupational Safety and Health  
Cal/OSHA Process Safety Management District Office  
1450 Enea Circle, Suite 550 (Index Code 4037)  
Concord, CA 94520-7996  
Phone: (925) 602-2665 Fax: (925) 602-2668



## Citation and Notification of Penalty

**To:**  
Chevron Products Company

and its successors  
841 Chevron Way  
Richmond, CA 94801-2006

**Inspection Number:** 311074728  
**Inspection Date(s):** 10/21/2009 - 12/29/2009

**Issuance Date:** 12/29/2009  
**CSHO ID:** N8474  
**Optional Report #:** 001-10  
**Reporting ID:** 0950663

**Inspection Site:**  
841 Chevron Way  
Richmond, CA 94801-2006

*The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.*

**This Citation and Notification of Penalty** (hereinafter Citation) is being issued in accordance with California Labor Code Section 6317 for violations that were found during the inspection/investigation. **This Citation or a copy must be prominently posted upon receipt by the employer at or near the location of each violation until the violative condition is corrected or for three working days, whichever is longer.** Violations of Title 8 of the California Code of Regulations or of the California Labor Code may result in some instances in prosecution for a misdemeanor.

**YOU HAVE A RIGHT** to contest this Citation and Notification of Penalty by filing an appeal with the Occupational Safety and Health Appeals Board. To initiate your appeal, you **must** contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of this Citation. If you miss the 15 working day deadline to appeal, the Citation and Notification of Penalty becomes a final order of the Appeals Board, not subject to review by any court or agency.

**Informal Conference** - You may request an informal conference with the Manager of the District Office which issued the Citation within 10 working days after receipt of the Citation. However, if the citation is appealed, you may request an informal conference at any time prior to the day of the hearing. Employers are encouraged to schedule a conference at the earliest possible time to assure an expeditious resolution of any issues. At the informal conference, you may discuss the existence of the alleged violation, classification of the violation, abatement date or proposed penalty.

Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an agreement which resolves this matter without litigation or contest.

## **APPEAL RIGHTS**

The Occupational Safety and Health Appeals Board (Appeals Board) consists of three members appointed by the Governor. The Appeals Board is a separate entity from the Division of Occupational Safety and Health (Division) and employs experienced attorneys as administrative law judges to hear appeals fairly and impartially. To initiate an appeal from a Citation and Notification of Penalty, you must contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of a Citation. After you have initiated your appeal, you must then file a completed appeal form with the Appeals Board, at the address listed below, for each contested citation. Failure to file a completed appeal form with the Appeals Board may result in dismissal of the appeal. Appeal forms are available from district offices of the Division, or from the Appeals Board:

Occupational Safety and Health Appeals Board

2520 Venture Oaks Way, Suite 300

Sacramento, CA 95833

Telephone: (916) 274-5751

Fax: (916) 274-5785

If the Citation you are appealing alleges more than one item, you must specify on the appeal form which items you are appealing. You must also attach to the appeal form a legible copy of the Citation you are appealing.

Among the specific grounds for an appeal are the following: the safety order was not violated, the classification of the alleged violation (e.g., serious, repeat, willful) is incorrect, the abatement requirements are unreasonable or the proposed penalty is unreasonable.

**Important:** You must notify the Appeals Board, not the Division, of your intent to appeal within 15 working days from the date of receipt of the Citation. Otherwise, the Citation and Notification of Penalty becomes a final order of the Appeals Board not subject to review by any court or agency. An informal conference with the Division does not constitute an appeal and does not stay the 15 working day appeal period. If you have any questions concerning your appeal rights, call the Appeals Board, (916) 274-5751.

## PENALTY PAYMENT OPTIONS

Penalties are due within 15 working days of receipt of this Citation and Notification of Penalty unless contested. If you are appealing any item of the citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form for payment.

If you are paying by credit card (MasterCard and Visa), please have the Penalty Remittance Form on-hand when you are ready to make our payment. The company name, index code, reporting ID, and Citation number(s) will be required in order to ensure that the payment is accurately posted to your account. Please go to [www.dir.ca.gov/dosh](http://www.dir.ca.gov/dosh) to access the secure payment processing site.

If you are paying by check, return one copy of the Citation, along with the Notice of Proposed Penalties Sheet and the Penalty Remittance Form and mail to:

Department of Industrial Relations  
Cashier, Accounting Office  
P. O. Box 420603  
San Francisco, CA 94142-0603

CAL/OSHA does not agree to any restrictions, conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

## NOTIFICATION OF CORRECTIVE ACTION

For violations which you do not contest, you should notify the Division of Occupational Safety and Health promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation and Notification of Penalty. Please inform the District Office listed on the Citation by submitting the CAL/OSHA Form 160 and/or 161 with the abatement steps you have taken and the date the violation was abated, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc. The adjusted penalty for serious and general violations **has already been** reduced by 50% on the presumption that the employer will correct the violations by the abatement date. **If the CAL/OSHA Form 161 is not received in the District Office within 10 days following the abatement date, the abatement credit is revoked, causing the penalty to double.**

**Note:** Return the CAL/OSHA Form 160/161 to the District Office listed on the Citation and as shown below:

Division of Occupational Safety and Health  
1450 Enea Circle, Suite 550  
Concord, CA 94520

## EMPLOYEE RIGHTS

**Employer Discrimination Unlawful** - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under Labor Code Section 6310 or 6311. An employee who believes that he/she has been discriminated against may file a complaint no later than six (6) months after the discrimination occurred with the Division of Labor Standards Enforcement.

**Employee Appeals** - An employee or authorized employee's representative may, within 15 working days of the issuance of a citation, special order, or order to take special action, appeal to the Occupational Safety and Health Appeals Board the reasonableness of the period of time fixed by the Division of Occupational Safety and Health (Division) for abatement. An employee appeal may be filed with the Appeals Board or with the Division. No particular format is necessary to initiate the appeal, but the notice of appeal must be in writing.

If an Employee Appeal is filed with the Division, the Division shall note on the face of the document the date of receipt, include any envelope or other proof of the date of mailing, and promptly transmit the document to the Appeals Board. The Division shall, no later than 10 working days from receipt of the Employee Appeal, file with the Appeals Board and serve on each party a clear and concise statement of the reasons why the abatement period prescribed by it is reasonable.

Employee Appeal Forms are available from the Appeals Board, or from a District Office of the Division.

**Employees Participation in Informal Conference.** Affected employees or their representatives may notify the District Manager that they wish to attend the informal conference. If the employer objects, a separate informal conference will be held.

## DISABILITY ACCOMMODATION

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the programs of the Division of Occupational Safety and Health, should contact the Disability Accommodation Coordinator at the local district office or the Statewide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The Statewide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing or conference.

**State of California**

Division of Occupational Safety and Health  
Cal/OSHA Concord District Office (0950622; 4028)  
1450 Enea Circle, Suite 525  
Concord, CA 94520

**Inspection Number:** 311074728  
**Inspection Dates:** 10/21/2009 - 12/29/2009  
**Issuance Date:**  
**CSHO ID:** N8474  
**Optional Inspection Nbr:** 001-10



Phone: (925) 602-6517 Fax: (925) 676-0227

**Citation and Notification of Penalty**

**Company Name:** Chevron Products Company  
**Inspection Site:** 841 Chevron Way, Richmond, CA 94801-0006

---

**Citation 1 Item 1 Type of Violation: General**

3308 Hot Pipes and Hot Surfaces.

Pipes or other exposed surfaces having an external surface temperature sufficient to burn human tissue on momentary contact and located within 7 feet measured vertically from floor or working level or within 15 inches measured horizontally from stairways, ramps or fixed ladders shall be covered with a thermal insulating material or otherwise guarded against contact. This order does not apply to operations where the nature of the work or the size of the parts makes guarding or insulating impracticable.

The employer failed to cover a steam tracing line with thermal insulating material or otherwise guard against contact. On October 6, 2009, an employee contacted a pipe located adjacent to SDA Pump 104 having an external temperature sufficient to burn human tissue on momentary contact, resulting in second degree burns to the employee's neck. The steam tracing line was measured at approximately 5'9 to 6'1 vertical rise from ground level and was not insulated or otherwise guarded against contact.

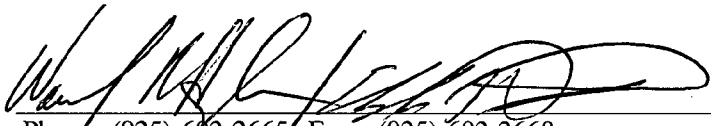
According to employer records, the steam temperature ranged between 451- 454 degrees Fahrenheit and the steam pressure ranged from 414 - 423 psig. The steam tracing line was installed on 12/24/2008.

Date By Which Violation Must be Abated:

02/17/2010

Proposed Penalty:

\$ 450.00

  
Phone: (925) 602-2665 Fax: (925) 602-2668  
Compliance Officer/District Manager

---

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

**State of California**

Division of Occupational Safety and Health  
Cal/OSHA Concord District Office (0950622; 4028)  
1450 Enea Circle, Suite 525  
Concord, CA 94520

**Inspection Number:** 311074728  
**Inspection Dates:** 10/21/2009 - 12/29/2009  
**Issuance Date:**  
**CSHO ID:** N8474  
**Optional Inspection Nbr:** 001-10



Phone: (925) 602-6517 Fax: (925) 676-0227

**Citation and Notification of Penalty**

**Company Name:** Chevron Products Company  
**Inspection Site:** 841 Chevron Way, Richmond, CA 94801-0006

---

---

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California  
Division of Occupational Safety and Health  
Cal/OSHA Process Safety Management District Office  
1450 Enea Circle, Suite 550 (Index Code 4037)  
Concord, CA 94520-7996  
Phone: (925) 602-2665 Fax: (925) 602-2668  
925-602-2665

## NOTICE OF PROPOSED PENALTIES

---

**Company Name:** Chevron Products Company  
**Inspection Site:** 841 Chevron Way, Richmond, CA 94801-2006  
**Mailing Address:** 841 Chevron Way, Richmond, CA 94801-2006  
  
**Issuance Date:** 12/29/2009  
  
**Reporting ID:** 0950663  
**Index Code:** 4037

---

### Summary of Penalties for Inspection Number 311074728

Citation 1, General	= \$	450.00
<b>TOTAL PROPOSED PENALTIES</b>	<b>= \$</b>	<b>450.00</b>

---

Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form.

If you are paying by credit card (MasterCard and Visa): Please have this form on-hand when you are ready to make your payment. The company name, index code, reporting ID and Citation number(s) will be required to ensure that the payment is accurately posted to your account. Please go to [www.dir.ca.gov/dosh](http://www.dir.ca.gov/dosh) to access the secure payment processing site.

If you are paying by check: Mail this Notice of Proposed Penalties, the Penalty Remittance Form, along with a copy of the Citation and Notification of Penalty to:

**DEPARTMENT OF INDUSTRIAL RELATIONS  
CASHIER, ACCOUNTING OFFICE  
P. O. BOX 420603  
SAN FRANCISCO, CA 94142-0603**

CAL/OSHA does not agree to any restrictions, conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions or endorsements do not exist.

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

DEPARTMENT OF INDUSTRIAL RELATIONS  
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH  
NORTHERN CALIFORNIA PROCESS SAFETY MANAGEMENT DIST. OFC  
1450 Enea Circle, Suite 550  
Concord, CA 94520-7996  
Phone: (925) 602-2665  
Fax: (925) 602-2668



## FAX TRANSMITTAL SHEET

Date: 12/31/2009 Time: 1425 Fax No.: 510-242-5353

Please deliver to: Thomas Di Palma

Company/Office: Chevron Products Company

From: Wendy Hogle, ASE  
NORTHERN CALIFORNIA PROCESS SAFETY DISTRICT OFFICE

Pages to follow including cover page: 1

## Comments:

As discussed during our closing conference,  
attached Penalty Calculation worksheet.

Note: If you do not receive all pages faxed, please call this office at (925) 602-2665.

Thank you

*Wendy Hogle*

STATE OF CALIFORNIA  
DEPARTMENT OF INDUSTRIAL RELATIONS  
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH  
PENALTY CALCULATION WORKSHEET

Site Address: 841 Chevron Way Richmond, CA 94801

EMPLOYER Chevron Petroleum Refinery

ADDRESS Richmond, CA 94801 841 Chevron Way

CAL/OSHA 10 (REV. 3/94)

2B FOLLOW-UP INSPECTION

IDENT NO. N8474  
CAL/OSHA 1 RPT. NO. 001  
REGION 6 DISTRICT 3  
FY 10

2A INITIAL INSPECTION

IDENT NO. N8474  
CAL/OSHA 1 RPT. NO. 001  
REGION 6 DISTRICT 3  
FY 10

3	4	5	6	7		8	GRAVITY				13	14	FIG. 2		16	17	18	19	20	21	FIG. 3		23	24	25	26
CITATION NUMBER	ITEM NUMBER	STANDARD, ORDER, REGULATION OR CODE ALLEGEDLY VIOLATED	NUMBER OF INSTANCES	TYPE OF VIOLATION	CARCINOGEN	SEVERITY	EXTENT	LIKELIHOOD	GRAVITY BASED PENALTY	REPEATED	WILLFUL	LESS		ADJUSTED PENALTY	ABATEMENT CREDIT	PROPOSED PENALTY FOR EACH VIOLATION	ABATEMENT DATE	DATE OF FOLLOWUP DISSECTION	NO. OF CAL. DAYS OVER ABATEMENT DATE	LESS		ADJUSTED PENALTY	RESULTING PENALTY INSTANCES UNABATED	REVISION OF ABATEMENT CREDIT	PROPOSED ADDL. PENALTY FOR FAILURE TO ABATE	
												FIG. 1	FIG. 2							FIG. 3	FIG. 4					
01	004	3308	1	G	N	2000	-500	0	1500			0	600	0	0	450										